

CHAPTER 10 — ALCOHOL, DRUGS, AND DRIVING

Driving a motor vehicle is a privilege. It takes skill and common sense. Drinking and driving does not make sense. Any drug, even medicine, can affect your driving.

Drinking and driving is not worth the risk to your life and the lives of others. Even small amounts of alcohol may affect your driving ability. If you are going to drink, let someone else drive who has not been drinking.

Missouri laws are tough if you are found guilty of drinking or using drugs while driving. You may pay a fine, lose your license, and even go to jail. There are several ways you can lose your driving privilege because of alcohol-related offenses.

COURT CONVICTED AND ADMINISTRATIVE ACTIONS

When a police officer stops you and suspects you have been drinking, the officer may ask you to take some tests like walking heel to toe or standing on one leg. These tests will help the officer decide if you should be arrested and have a chemical test of your breath, blood, or urine. The result of this test is known as your Blood Alcohol Concentration (BAC) level.

1. ADMINISTRATIVE ACTION

If your Blood Alcohol Concentration (BAC) level is .08% or more (or for minors a BAC level of .020% or more), the officer will take your license and give you a notice. This notice tells you that you will not be able to legally drive (your license will be suspended or revoked) after 15 days. The notice includes a 15-day driving permit that you can get if the officer indicates this on the notice. The notice also includes a form that allows you to request a hearing. If you are given a hearing, you may continue to legally drive until 15 days after a decision is mailed to you.

Administrative Action	Driver License Suspension/Revocation/Denial	To Get Your License Back
License Suspension	<u>1st Offense</u> — 30-day suspension, followed by a 60-day restricted driving privilege	Pay a \$45 fee, attend a Substance Abuse Traffic Offender Program (SATOP) and provide proof of insurance for 2 years.
License Revocation	<u>2nd Offense</u> — 1-year license revocation	All of the above and pass the written and driving tests.

2. COURT CONVICTED ACTION

If you receive a ticket and a judge finds you guilty of Driving While Intoxicated (DWI) or Blood Alcohol Concentration (BAC) (.08% or more),

you will not be able to legally drive (your license will be suspended or revoked) after the ticket is sent to the department. Your license will be suspended, revoked, or denied based on your past driving record and the points added to your record. You will be told by mail when you must stop driving.

Crime	Fines/Jail	Driver License Suspension/Revocation/Denial	To Get Your License Back
BAC <i>Driving/operating a vehicle with .08% BAC or more.</i>	<p><u>1st Offense</u> — Spend up to 15 days in jail. Pay up to a \$300 fine.</p> <p><u>2nd Offense</u> — Spend up to 1 year in jail. Pay up to a \$1,000 fine.</p>	<p><u>1st Offense</u> — 30-day suspension, followed by a 60-day restricted driving privilege.</p> <p><u>2nd Offense</u> — 1-year revocation.</p>	Pay a \$45 fee, attend a Substance Abuse Traffic Offender Program (SATOP) or comparable program and provide proof of insurance for 2 years.
DWI <i>Driving while intoxicated.</i>	<p><u>1st Offense</u> — Spend up to 6 months in jail. Pay up to a \$500 fine.</p> <p><u>2nd Offense</u> — Spend up to 1 year in jail. Pay up to a \$1,000 fine.</p> <p><u>3rd Offense</u> — Spend up to 5 years in jail. Pay up to a \$5,000 fine.</p>	<p><u>1st Offense</u> — 30-day suspension, followed by a 60-day restricted driving privilege.</p> <p><u>2nd Offense</u> — 1-year revocation.</p> <p><u>2nd Offense Within 5 Years</u> — 5-year license denial.</p> <p><u>3rd Offense</u> — 10-year license denial.</p>	Pay a \$45 fee, attend a Substance Abuse Traffic Offender Program (SATOP) or comparable program and provide proof of insurance for 2 years.

PROOF OF INSURANCE

The most common method of filing proof of insurance is an SR-22 insurance filing. Proof of insurance must be kept on file with the Driver License Bureau for two years. If you do not, your Driver License will be taken again for the rest of the two years unless you file proof of insurance and pay a \$20 fee.

(Minors with a BAC of .020% or more do not have to file proof of insurance on a first offense.)

ABUSE AND LOSE

If you are less than 21 years of age, your Driver License may be taken away for 90 days for any of the following:

- Any alcohol-related traffic offense;
- If you possess or use alcohol or drugs while driving a vehicle;
- If you alter, modify, or misrepresent a Driver License; or
- If you are under 18 years of age and possess or use alcohol and are charged with a second offense.

If you are 21 years of age or older, you may have your Driver License taken away for one year if you possess or use drugs while driving.

To get your license back you must:

- Pay a \$45 fee and
- Submit a form showing you completed a Substance Abuse Traffic Offender Program (SATOP).

MINOR IN POSSESSION (MIP) / OTHER ALCOHOL OFFENSES

If you are more than 15 years of age and under 21 years of age, a state court may suspend or revoke your Driver License for any of the following:

- Purchasing or attempting to purchase any intoxicating liquor;
- Possessing any intoxicating liquor;
- Being visibly intoxicated as defined in Section 577.001, RSMo; or
- Having a Blood Alcohol Concentration (BAC) level of more than .020%.

Crime	Driver License Suspension/ Revocation	To Get Your License Back
MIP Minor in Possession	<u>1st Offense</u> — 30-day suspension <u>2nd Offense</u> — 90-day suspension <u>3rd Offense</u> — 1 year revocation	Pay a \$45 fee, and attend a Substance Abuse Traffic Offender Program (SATOP)

IGNITION INTERLOCK

An ignition interlock is a hand-held breath testing device that is hooked to the vehicle's ignition, horn, and headlights. The driver must breathe into the device to test for alcohol each time the vehicle is driven. A court may make a driver install the device if the driver has been convicted of DWI one time. A court *must* require a driver to install the device if the driver is convicted of DWI more than once. The device must be put on any vehicle that the driver uses. The driver must pay for having the device put on the vehicle and for having it checked every month to make sure it is working properly.

If a person does not follow the judge's order, the person's Driver License may be taken away for one year. A second offense requires the person's Driver License to be taken away for 5 years. The driver must pay a \$20 fee before the Driver License can be given back.

REFUSAL TO SUBMIT TO A CHEMICAL TEST OF YOUR BLOOD ALCOHOL CONCENTRATION (BAC)

If a police officer stops you and you refuse to take a test to find out your BAC, your Driver License will be taken away for 1 year. Your Driver License may be reinstated if you:

- Pay a \$45 fee and
- Submit a form showing you completed a Substance Abuse Traffic Offender Program (SATOP).

SPECIAL NOTE:

If you injure or kill someone because you were drinking or using drugs while driving, you may:

- Spend 2 to 7 years in jail,
- Pay a \$5,000 fine, and/or
- Lose your Driver License for 5 years.